

In re: NEW YORK STATE.
FSP Docket No. 00-0004.
Order Dismissing Appeal filed July 12, 2000.

Samuel Chambers, Jr., Alexandria, VA, for Complainant.
John E. Robitzek, Albany, NY, for Appellant.
Order issued by Edwin S. Bernstein, Administrative Law Judge.

By letter dated June 6, 2000, filed on July 11, 2000, the State of New York withdrew its appeal conditioned upon USDA's commitment to forego the \$11,731,000 penalty that was the subject of the appeal.

Accordingly, this matter is dismissed without prejudice.